

CITY OF BRAZIL, INDIANA
ORDINANCE NO. 16 - 1992

AN ORDINANCE AMENDING CHAPTER 158 OF THE BRAZIL CODE,
SETTING FORTH REQUIREMENTS FOR THE PLACEMENT
OF MANUFACTURED HOMES LESS THAN TWENTY-THREE
FEET IN WIDTH, MOBILE HOMES AND TRAILERS

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BRAZIL, INDIANA:

CHAPTER 158:

MANUFACTURED HOMES

Section

- 158.01 Purpose of Regulations
- 158.02 Definitions
- 158.03 Placement of Manufactured Home; Procedure
- 158.04 Placement Requirements
- 158.99 Penalty

Section 158.01 PURPOSE OF REGULATIONS

It is deemed by the Common Council that it is in the best interests of the city that the placement and location of manufactured homes upon real estate within the corporate limits of the city and the two mile jurisdiction surrounding the city be regulated.

(Ord. 6-1983, passed 4-11-83)

Section 158.02 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"MANUFACTURED HOME." A dwelling unit designed and built in a factory, which bears a federal label certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.), and includes but is not necessarily limited to mobile homes.

"MOBILE HOME" OR "TRAILER"

used as a place of abode or residential dwelling, and which has no other foundation other than the wheels required for its movement from one place to another.
(Ord. 6-1983, passed 4-11-83)

Section 158.03 PLACEMENT OF MANUFACTURED HOME; PROCEDURE

(A) No person shall place or locate a manufactured home of less than 23 feet in width on a parcel of real estate or lot located within the corporate limits of the city, or within the two-mile jurisdiction area surrounding the city without first obtaining the necessary approvals and permits as provided for in this section.

(B) Any person desiring to place a manufactured home of less than twenty-three (23) feet in width on any parcel or lot located in the city shall first make application to the City Planning Administrator for a variance, on a form as established by the Administrator. The application shall be accompanied by the following.

(1) A plot plan showing the exact location and dimensions of the parcel or lot.

(2) A description and dimensions of the proposed manufactured home to be located thereon.

(3) A drawing showing the exact location of the home on the parcel or lot.

(4) Color photographs of the front and back exterior of the proposed manufactured home. Said photographs are to be of such quality as to enable the viewer to judge the condition and appearance of the proposed manufactured home. These photographs shall be supplied by the applicant at the applicant's expense.

(5) A copy of all letters, on a form as established by the Administrator, advising the residents of each home adjoining the parcel or lot on which the proposed manufactured home is to be placed, of the applicant's intent to place a manufactured home there. Said letters shall be sent by the applicant, at the applicant's expense, by certified mail, return receipt requested, to the resident of each piece of property adjoining the parcel or lot on which the proposed manufactured home is to be placed. The return receipts from all such letters shall be forwarded to the Administrator and shall be presented by the Administrator at the public hearing described in Paragraph (D) below.

(6) A petition indicating the approval or disapproval of this placement by all of the owners of real property any part of which is within five hundred (500) feet of the lot or parcel on which the manufactured home is sought to be placed.

(C) (1) The Planning Administrator shall submit the application to the Board of Zoning Appeals for approval after reviewing the same for proper form and compliance with the requirements of paragraph (B) above.

Planning Administrator shall post in a conspicuous place on said parcel or lot written notice of the application for location of a manufactured home, the name of the applicant, and the date and time of a public hearing on said application before the Board of Zoning Appeals. Said notice shall be posted at least ten (10) days prior to the hearing on the application.

(D) (1) Upon submission of the application to the Board of Zoning Appeals, the Board shall schedule a public hearing to review and consider the application for approval and give notice of the hearing by sending written notice thereof to the applicant by certified or registered mail and publishing the notice in a local newspaper one time, at least ten days before the date of the hearing. The notice shall contain the name of the applicant, the exact location of the parcel or lot where the proposed manufactured home is to be placed and the date, time and the place of the hearing.

(E) (1) If the Board approves the application, the applicant shall then apply for an improvement location permit and a certificate of occupancy as provided for in Sections 156.28 and 157.03, and pay the necessary filing fees therefor pursuant to Section 156.12(A), (B), and (D).

(2) The Board shall consider the following factors in deciding whether or not to approve the application;

(a) The age, appearance, and condition of the manufactured home.

(b) The number of other manufactured homes in the surrounding area.

(c) Whether or not the owners of the manufactured home will be its occupants.

(d) Whether or not the owners of the lot or parcel upon which the manufactured home is to be placed will be its occupants.

(e) The wishes of the surrounding residents and property owners.

(f) The opinion of other interested citizens.

(g) The effect of the manufactured home on property values in the area.

(h) The number of persons occupying the manufactured home.

(i) Whether or not the placement of the mobile home is temporary or permanent.

(j) Any other factor relevant to the facts of the individual applicant.

(3) If the manufactured home is not in livable condition at the time the application is made, the application may not be approved.

(4) If the manufactured home is to be used as a rental unit the application may not be approved unless the placement is within a mobile home park.

(F) (1) Following the payment of the required fees and the issuance of the improvement location permit and the certificate of occupancy by the Planning Administrator, the applicant may place the manufactured home onto the approved site.

(2) The City Planning Administrator shall prepare a registry of manufactured homes which have been approved for location in the corporate limits of the City of Brazil, and the two mile jurisdiction zone surrounding the city, Indiana. Said registry shall be made available for public inspection in the office of the Brazil Clerk-Treasurer.

(3) Each owner of a manufactured home, mobile home, or trailer located within the corporate limits shall annually register with the Brazil Township or County Assessor no earlier than January 2 and no later than February 15 of each year.

(Ord. 6-1983, passed 4-11-83; Am. Ord. 16-1983, passed 6-27-83)

Section 158.04 PLACEMENT REQUIREMENTS

(A) All mobile homes located within the jurisdictional area of this chapter shall have a perimeter enclosure or skirting installed within a maximum of 60 days after the same has been placed onto the location or site.

(B) If the wheels are removed from any mobile home approved and located pursuant to this chapter the owner thereof shall install and place a permanent perimeter enclosure of brick or concrete block which shall completely enclose the space underneath the mobile home.

(C) The owner of any manufactured home placed pursuant to this chapter shall further comply with all state laws pertaining to the placement of manufactured or mobile homes, plus any additional requirements as established by the Planning Administrator and approved by the Board of Zoning Appeals.

(D) If the manufactured home that was approved for placement is transferred from the original applicant and the transferee wishes the manufactured home to remain within the corporate limits of the City, or the two mile jurisdiction area surrounding the city, a new approval and permit must be obtained.
(Ord. 6-1983, passed 4-11-83)

(E) If the manufactured home that was approved for placement is to be replaced by another manufactured home, a new approval and permit must be obtained.

Section 158.05 NO MANUFACTURED HOMES AS RENTAL UNITS

A manufactured home may not be used as a rental unit, unless it is placed in a mobile home park.

Section 158.06

Ordinance Number 5-1986 is hereby repealed.

Section 158.07 TIME OF EFFECT

This Ordinance shall be in full force and effect from and after its passage, when it is signed by the presiding officer, approved by the Mayor and publication as required by law.

Section 158.99 PENALTY

Whoever violates any provision of this chapter shall be punished as provided in Section 10.99.

ORDAINED AND ESTABLISHED THIS 13th DAY OF October, 1992.

Kenneth L. Crabb
Mayor and Presiding Officer of
the Common Council of the City
of Brazil, Indiana

ATTEST:

Glenna L. Simons
Clerk-Treasurer of the
City of Brazil, Indiana

MEMBERS OF THE COMMON COUNCIL

AYES:

NAYS:

Alan J. Hays
William C. Hartman
A. Ann Brubaker
Samuel D. Vallery
James D. Hudson

Presented by me to the Mayor of the City of Brazil, Indiana for his approval and signature on this 13th day of October, 1992.

Glenna L. Simons
Clerk-Treasurer of the City of
Brazil, Indiana

APPROVED and signed by me on the 13th day of October, 1992, at the hour of 8:05 o'clock p. m.

Kenneth L. Crabb
Kenneth L. Crabb, Mayor of the
City of Brazil, Indiana